

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAYMOND HARGROVE,
Plaintiff,

v.

**COMMISSIONER BLANCHE
CARNEY, et al.,**
Defendants.

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CIVIL ACTION NO. 20-CV-0610

ORDER

AND NOW, this 22nd day of April, 2020, upon consideration of Plaintiff Raymond Hargrove's Motions to Proceed *In Forma Pauperis* (ECF Nos. 1 & 5), Prisoner Trust Fund Account Statements (ECF Nos. 2 & 6), *pro se* Complaint (ECF No. 3), Letter (ECF No. 7), Statement (ECF No. 8) and Exhibits (ECF No. 9) it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Raymond Hargrove, #616639, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the Curran-Fromhold Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Hargrove's inmate account; or (b) the average monthly balance in Hargrove's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Hargrove's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's

income credited to Hargrove's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of the Curran-Fromhold Correctional Facility.

4. The Complaint is **DEEMED** filed.

5. For the reasons stated in the Court's Memorandum, Hargrove's claims brought pursuant to 42 U.S.C. § 1983 are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

6. Hargrove is given **until July 22, 2020** to file an amended complaint in the event he can allege additional facts to state a plausible claim under § 1983. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Hargrove's claims against each defendant, and shall bear the title "Amended Complaint" and the case number 20-610. If Hargrove files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Hargrove's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. **Claims that are not included in the amended complaint will not be considered part of this case.** When drafting his amended complaint, Hargrove should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. If Hargrove does not file an amended complaint by July 22, 2020, the Plaintiff shall serve his initial Complaint on the City of Philadelphia only so that he may proceed on his claim brought pursuant to Title II of the Americans with Disabilities Act as described in the

Court's Memorandum. Hargrove may also notify the Court that he seeks to proceed on this claim rather than file an amended complaint. If he files such a notice, Hargrove shall title the notice "Notice to Proceed with Remaining Claim" and is reminded to include the case number for this case, 20-610.

8. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case, if summonses are issued.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.